

I did my best. I followed the advice of the Parliamentarian and enforced our rules and precedents. Where objections were raised, they were ultimately resolved without a vote challenging the rulings I made from the Chair.

While I never faced this situation, before the start of the trial I had decided—and I had informed the Parliamentarian of my decision—that should a ruling of mine be appealed, I would abstain from voting as a Senator on the question of whether to sustain my own ruling. Now, I know from the Constitution and the practices and the rules of the Senate, the Presiding Officer is fully empowered to do so—to vote—and it happens routinely during legislative sessions. But in going back through all the hundreds of pages—the thousands of pages—I could not find a historical precedent for Presiding Officers doing so during impeachment trials, and I was determined to strictly adhere to precedent, even if it limited my authority as a Senator in this instance.

Now I would note that, on two occasions during the trial, I felt it was necessary to remind counsel—and I did, as did Chief Justice Roberts during President Trump's first trial—to refrain from using language that was not conducive to civil discourse. On the final day of the trial, when it got a little bit heated, I was prepared to do so in stronger terms, if needed. Yet, during closing arguments, I believe neither side gave me reason to do so.

Now, like those who presided over the three prior Presidential impeachment trials in our history, I understood each of my decisions was important historically and would become important precedents to guide those who preside over trials in the future, just as I had read and studied the precedents of past trials.

Since the conclusion of the trial, both Republican and Democratic Senators have thanked me for being fair, and I appreciate that greatly. I may have had a prominent role for this historic trial, but I was committed to not shaping it in any way. I just wanted to give voice to our institution's precedents and rules and to otherwise let the Senate determine the trial's structure and direction, to let each side present its case, and let the chips fall where they may, but let the Senate do its job.

I have now had the opportunity to sit as a judge and juror in numerous impeachment trials, including three trials of Presidents. All were historic moments for the Senate and this country.

I hold no illusion that the Senate was at its best for every moment of every trial, but each has nonetheless increased my respect for our system of government and our Constitution.

I was proud to uphold my oath as a Senator and as a Presiding Officer, my oath to do impartial justice according to our Constitution and the laws during last month's trial. There are some things I consider far more important

than allegiance to any person or political party, and my commitment to the Constitution and this great institution of the Senate are listed high among them.

I have felt from the first day I came here that the Senate can be and should be the conscience of the Nation. I wanted to help make sure that conscience was upheld, and I appreciate the fact that my colleagues elected me President pro tempore and gave me this opportunity.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### BUDGET EARMARKS

Mr. GRASSLEY. Madam President, the Appropriations Committee is reportedly preparing to announce the return of earmarks. That is a process that, around here, we know. People back home might not know, so let me explain that the process of earmarks inserts individual projects designated for specific interests into a bill, most often an appropriations bill. When I say "individual projects," it means Senators doing it for probably their district or their State.

Earmarks are a practice that has become a symbol to the American people of the waste and out-of-control spending in Washington. I am strongly against the return of earmarks.

The earmark moratorium was implemented as a direct result of the events leading up to the election of 2010, and there was clearly a mandate coming from that 2010 election to do away with earmarks. So people sometimes think, through the elections or through contacting Congress, they don't have an impact. In this case, it had a very dramatic impact that has lasted at least until now, and hopefully it will last longer.

The American people spoke because they were worried at that time about the country's growing Federal deficit and ballooning public debt—something we aren't as concerned about now as we were then and we ought to be concerned about more so now because the debt has more than doubled during that period of time.

At that time, back in 2010, the debt was estimated to be 62 percent of gross domestic product.

In 2009, President Obama and congressional Democrats passed a \$787 billion stimulus bill that was filled with wasteful spending, special projects, and unauthorized programs that completely violated the rules of the road for responsible governance.

In September 2010—so at the time of the election I am talking about—in a Rasmussen poll, 61 percent of U.S. voters said cutting government spending and deficits would do more to create

jobs than President Obama's proposed \$50 billion infrastructure program. It was pretty evident, then, from people's opinion at that time, that the election of 2010 sent a clear message that the American people wanted Congress to stop wasteful spending. So it didn't take long for President Obama to get the message. He had a weekly address on November 13, 2010, calling upon Congress to stop earmarks. He said: "Given the deficits that have mounted over the past decade, we can't afford to make these investments"—in things like infrastructure, education, research, and development—"unless we are willing to cut what we don't need."

Now, I am going to give you a further Obama quote, and it is a fairly long one, but it is coming from a Democratic President.

I agree with those Republican and Democratic members of Congress who've recently said that in these challenging days, we can't afford what are called earmarks. Those are items inserted into spending bills by members of Congress without adequate review.

Now, some of these earmarks support worthy projects in our local communities. But many others do not. We cannot afford Bridges to Nowhere like the one that was planned a few years back in Alaska. Earmarks like these represent a relatively small portion of overall federal spending. But when it comes to signaling our commitment to fiscal responsibility, addressing them would have an important impact.

We have a chance to not only shine a light on a bad Washington habit that wastes billions of taxpayer dollars, but take a step towards restoring public trust. We have a chance to advance the interests not of Republicans or Democrats, but of the American people; to put our country on a path of fiscal discipline and responsibility that will lead to a brighter economic future for all. And that's a future I hope that we can reach across party lines to build together.

Remember, President Obama said in 2010 that earmarks are bad. Unlike 2020—today we are in even more dismal fiscal shape with even larger Federal deficits and a ballooning Federal debt. According to the Congressional Budget Office, the Federal debt held by the public stood at 100 percent of GDP at the end of fiscal year 2020 and is projected to reach 102 percent of GDP at the end of 2021.

In other words, even though we have the largest economy in the world, we owe more than the entire U.S. economy is producing in a year. If we stay on this course, CBO projects that by 2031, debt will equal 107 percent of GDP, the highest in the Nation's history.

America cannot afford to go back to including earmarks in some ill-conceived effort to grease the wheels to pass legislation only because it includes the pet projects of Members of Congress.

While a small part of the budget—and I would have to admit, earmarks are a small part of the budget—earmarks can cause Members of Congress to focus on projects for their districts or States instead of holding government accountable and being fiscally responsible.

Congress should follow regular order by authorizing funding for programs

with very specific criteria. Legislation, including funding bills, should be passed on its merits, not on whether an earmark is included.

Dr. Tom Coburn, former Senator from Oklahoma, said:

Earmarks are the gateway drug to . . . spending addiction.

There is an insatiable appetite for projects, and this leads to large bills weighed down with spending our country can ill afford, whether we are talking about appropriations or authorization bills.

A Congressional Research Service—CRS, as we know it—study showed that from 1994 to 2011, there was a 282-percent jump in earmarks in appropriations bills. In the fiscal year 1994 appropriations bill, there were 4,155, and—can you believe this?—by 2011, that number for earmarks had risen to 15,887. Also according to the CRS, the total value of earmarked funds increased from about \$35 billion for 6,000 earmarks in 2000 to over \$72 billion for nearly 16,000 earmarks in 2006.

Earmarks get out of control when there is no effective check on total spending, while at the same time, earmarks lead to overspending. Committee chairmen kindly say to the Members who have earmarks in bills or who want earmarks in bills: Are you going to vote for this appropriations bill if we put your earmark in? That sort of thing should never be a determination whether or not a Member votes for an appropriations bill.

So you shouldn't feel pressured to support a vicious cycle of increased spending on bad legislation just because it includes earmarks, especially in this time of the pandemic. Congress should be focused on targeted spending to continue to help the American people who are suffering to recover, not finding ways to load up a bill with sweeteners that may be problematic on their own.

According to a 2016 Economist/YouGov poll, 63 percent of Americans approve the ban on earmarks; only 12 percent disapproved.

This quote by Citizens Against Government Waste President Tom Schatz to this publication, *Just the News*, makes a strong argument for not lifting the earmark ban. He said:

Earmarks are the most corrupt, costly, and inequitable practice in the history of Congress. They led to members, staff, and lobbyists being incarcerated.

You know, there are people who went to jail because of how some of this stuff was handled. In the form of legalized bribery, Members of Congress vote for tens or hundreds of billions of dollars in appropriations bills in return for a few million dollars in earmarks for their State or congressional district.

Earmarks go to those in power, as shown during the 111th Congress when the 81 members of the House and Senate Appropriations Committees, who constituted 15 percent of Congress, got 51 percent of the earmarks and 61 percent of the money. Restoring earmarks will lead to the same result.

I have heard the argument that earmarks are needed to pass bills in a bipartisan manner. I have consistently been ranked among the most bipartisan Senators by the Georgetown University Lugar Center. Check it out for yourself. I know from experience that true bipartisanship doesn't come from voting for legislation that I might otherwise have concerns about because an earmark or a pet project is included in the bill. True bipartisanship comes from reaching out across the aisle to reach consensus, even when there are disagreements on other issues, to really get things done for the American people.

President Biden, in his inaugural speech, called for "Bringing Americans together. Uniting our people. And uniting our nation." He also recognized that Americans have serious disagreements. Everyone knows that our country is deeply divided politically. I know from his time in the Senate that President Biden understands that people of good will can have honest disagreements about policy, so he knows that unity does not mean dropping deeply held beliefs and accepting his policy agenda. He said:

Every disagreement doesn't have to be a cause for total war.

Disagreements must not lead to disunion.

Real unity requires true bipartisanship and working together to discover what binds us together as Americans, even when we strongly disagree politically. Earmarks are not a way to bring this unity, and, in fact, would make this unity more difficult by attempting to paper over fundamental disagreements with window dressing while bypassing the real work of compromise.

Now, in a similar vein, some people argue that earmarks are needed to help pass bills in a timely manner. In 2006, at the height of earmark spending in appropriations bills, only two appropriations bills passed on time. In the 10 years prior to the earmark ban, Congress never enacted more than four standalone appropriations bills on time.

This holds true for reauthorization bills as well. Most, then, as you know the practice is, we just simply extend them for 1 fiscal year at a time.

In the case of the past several highway reauthorization bills, which were notorious for earmarks before the earmark moratorium, all needed multiple extensions before they were signed into law.

I have also heard the argument that article I of the Constitution says that Congress holds the power of the purse and that Congress has ceded its own power without earmarks. I agree that Congress now cedes its own power but not by not having earmarks. Rather, Congress cedes its power by failing to follow the budget process and stick to a budget.

Now, the greatest sin: Congress can be fairly accused of lazy legislation by drafting vague provisions granting authority to Agency heads to work out

the details, and most of those details are worked out through massive regulation writing.

Congress can reclaim its legislative authority by including specific guidelines for implementing programs in both authorization and appropriations bills. Congress should regularly review Federal programs to ensure that funding criteria reflect the needs of the Americans and engage in robust oversight of Departments and Agencies to ensure congressional intent is met. Rigorous oversight and well-drafted legislation that clearly sets out congressional intent for how a program should be administered is the constitutional job of Congress.

A good example of Congress not keeping the power of the purse and delegating significant authority to unelected bureaucrats at the programmatic level is the Affordable Care Act, sometimes called *ObamaCare*, which was rammed through Congress on a party-line vote. The text was around 2,700 pages long, but the regulatory implementation of *ObamaCare* required well over 20,000 pages. That is a bad way to implement public policy, particularly considering that the law redirected one-fifth of the U.S. economy.

On top of the law are tens of thousands of pages of Federal rules and regulations administered by a score of Federal Departments, Agencies, and Boards. This isn't how our Founding Fathers envisioned Congress protecting the American people, and it is a bad way to do business.

As a matter of fairness, earmark project funding should be merit-based and competitive or allocated by formula. Earmarks undermine State decision making over funds that are allocated to States through formula-based grants. Political decisions should not preempt State and regional decision making. Earmarks should not be a shortcut for State and local governments engaging in long-term planning and budgeting for anticipated needs. And, furthermore, State and local governments and other organizations should not be spending time and money to hire lobbyists to chase after Federal dollars in hopes of getting an earmark.

The money spent on lobbying and travel to pursue an earmark should be applied toward the local project itself. If a Federal Agency or program isn't working, then Members of Congress should fix it instead of seeking a carve-out. Highway authorizations bills are a perfectly good example of the problems with earmarks.

In 1987, President Reagan vetoed the Transportation bill because of—guess what—too many earmarks. That bill included only 152 earmarks. In 1998, the Transportation bill, called TEA-21, included 1,850 earmarks. The State of Florida challenged the earmarks included for the State, arguing that the allocated funding did not address the actual transportation needs of the

State. The U.S. Department of Transportation overruled Florida's objections.

In the 2005 bill—so I am going to another Transportation bill; it was called the SAFETEA-LU—included 6,371 earmarks. Let's go over that again. Let's go back. In 1987, President Reagan vetoed a bill because there were only 152 earmarks. Ten years later, TEA-21 included 1,850 earmarks and then, 2005, 6,371 earmarks.

However, under the earmark ban, the last Transportation bill distributed 92 percent of the funding to the States through formulas. And then, you know, that gives States and local governments control over the funding decision based on the needs of the 50 different States, based on safety, engineering, and other objective criteria, as opposed to politically directed earmarks that totally sweep aside those criteria. It was almost a political decision where that money ought to be put.

It should also be pointed out that the majority of the earmark funds in the past came straight out of the allocated formula dollars for each State, which then further eroded merit and State and local decision making. In other words, Washington politicians were making decisions better made by the nonpartisan boards in State capitols and local communities. And when I say "nonpartisan boards," I don't suppose it is that way in all 50 States, but I know in most Midwestern States it is that way.

I know that a lot of good has come from projects that I have helped support in Iowa, when we had our earmarks, and I certainly did not want Iowa to miss out on funding just because of a Washington dysfunction that we called earmarks. However, I also know that many of these earmarks disrupted our State and regional planning efforts. I have no way of knowing what good might have been done had we not had earmarks banned earlier. I do know that I have faith that the Federal money that goes back to Iowa for Iowans and the Iowans deciding how it is to be spent is being spent thoughtfully and well and not with a lot of political consideration.

Any good that might come from my being able to direct small amounts of Federal taxpayer dollars to some worthwhile pilot project would be dwarfed by the negative effects of restarting the mad scramble for earmarks.

So I hope, my colleagues, the rumors I have been hearing about the Appropriations Committee wanting to reinstitute earmarks, I hope that those people would pay some attention to the history of it and particularly pay attention to what President Obama said in 2010 about earmarks and not go through another process, maybe starting out with just a few earmarks but getting up into more than several years, more than 10,000 earmarks in various appropriations bills, and then all of a sudden then have a mandate

that came from the electorate, like it did in 2010, and both Republicans and Democrats come back to these halls where we have debate and make policy, saying no more earmarks.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

NOMINATION OF MIGUEL A. CARDONA

Mr. BLUMENTHAL. Madam President, I couldn't be prouder to stand in the Senate Chamber today and speak on behalf of Miguel Cardona, shortly to be confirmed by this body as the next Secretary of Education.

Miguel Cardona is a man of deep commitment to his community and, with pride, a product of the Connecticut education system. I couldn't be prouder to support him because President Biden couldn't have made a better choice to be the next Secretary of Education.

Miguel Cardona's story is inspiring and compelling, a testament to the extraordinary support he has enjoyed from his parents, from the community of Puerto Rico, who lived in Meriden, the support he enjoyed from the public schools and institutions of higher education in Connecticut. His powerful and compelling story should be inspiring to all America because he has lived the American dream. And for anyone whose language may be something other than English as their first language, he has shown that people coming to our public schools, with English as their second language, should see no bounds to what they can accomplish.

He came to the public schools of Meriden as a second-language learner of English. He was raised in Meriden by Puerto Rican parents. He found an early passion for education. And his skill and dedication went beyond his own life. He did extraordinarily well and attended two Connecticut institutions of higher education—Central Connecticut State University and the University of Connecticut—eventually earning his doctorate in education. But he went back to Meriden. He dedicated his life to the education of others, beginning as a fourth grade teacher in Meriden and then becoming principal—the youngest in the State—and eventually assistant superintendent before just about a year ago being appointed as commissioner of education in the State of Connecticut.

His climbing looks meteoric and miraculous, but it was based on hard work and a dedication and passion to education for others, because he saw it in his own life and how it enabled him to live the American dream.

For all of his accomplishments and that meteoric rise, he has remained deeply rooted in the Meriden community, deeply committed to his roots in Puerto Rico, and deeply committed to his family. His parents, who should be so proud of him, are an inspiration to all of us who know them and who have seen their work in Meriden continue. Even as he has climbed the professional ladder, they have remained rooted and

active and energetic in benefiting others in Meriden.

So to his parents, I say thank you for sharing with us Miguel. To his family, thank you for supporting him throughout his enormous journey and adventure.

His extraordinary accomplishments have led him to this place of consummate prominence in the educational professional community, and now he will do great things for the cause of education in our country, not just Connecticut.

His service never stopped in the classroom. He brought that knowledge of what happens in the classroom to establish policy in Connecticut in an enormously challenging time. He took over as commissioner of education on February 26, 2020, at the time of COVID-19 lockdowns and school closures, which began just a couple of weeks after he assumed that responsibility.

But as he has done throughout his educational and professional career, he consistently reaffirmed his commitment to students, parents, and teachers because they are the core of our educational system, especially students who have been potentially left behind. His bold vision and dedication to students and their families is exactly what we need now in an Education Secretary, providing direction and support to our Nation's public schools—direction and support after a time when leadership was so sorely lacking and commitment to public education was so unfortunately inadequate.

As we know, COVID-19 has challenged educators, students, families, and school administrators, day in and day out, during this very difficult and painful period. Disadvantaged students who lack support and resources at home have been left behind. Teachers are strained and stressed by changing environments and a lack of resources. Parents are concerned and overwhelmed, managing their children's schooling and their own work at home. Students in higher education are drowning in student debt that has left them crippled financially and unsure about their future.

These challenges pose a grave threat to the future of our children and our educational system, and we need a leader just like Dr. Cardona—one whom we have lacked, one who can regain our Nation's trust and reestablish faith in the leadership of our educational community at the very top in the Department of Education.

He is someone who will put students back on their feet, in their confidence and their trust in education. He is someone who will put teachers, parents, and students first, above special interests, because he has lived American education as the American dream.

In Connecticut, he has seen firsthand in his own life how education can transform futures and enable all of us, through our children, to live the American dream just as he has done. And he